

BEST AVAILABLE COPY

RECEIVED
CENTRAL FAX CENTER
JAN 03 2007REMARKS

Reconsideration of this application is respectfully requested.

In the Official Action, the Examiner rejects claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Ueda in view of Biglieri and further in view of U.S. Patent No. 6,788,967 to Ben-Haim et al., (hereinafter "Ben-Haim"). Furthermore, the Examiner rejects claim 8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,681,260 to Ueda et al. (hereinafter "Ueda") in view of U.S. Patent No. 6,958,577 to Biglieri et al. (hereinafter "Biglieri").

In response, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 103(a) for at least the reasons set forth below. However, independent claims 1 and 8 have been amended to clarify their distinguishing features.

With regard to claim 1, the same has been amended to clarify that at least one of the plurality of magnetic coils is configured such that a current selectively supplied thereto in a time series manner controls the movement of the capsule endoscope by the interaction thereof with the magnetic-field generating means. The amendment to claim 1 is fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to claim 1.

Ben-Heim discloses a magnetic element, however, the magnetic element is provided at the tip of a catheter and is thus a position sensor for detecting the position of the tip of the catheter or the direction thereof. Thus, the magnetic element of Ben-Heim is for detecting the intensity of the external magnetic field by the respective elements that perpendicularly intersect each other, and based on the result of detection, senses the position and the direction of the tip of the catheter.

BEST AVAILABLE COPY

In the Official Action, the Examiner argues that Ben-Heim discloses that "a current may be selectively supplied to at least one of the magnetic coils in a time series manner" in column 9 lines 39-42. Applicants respectfully submit that such is for detecting the position or the direction in the coil as the position sensor. That is to say, the current is not supplied to the magnetic element. The magnetic element only functions to detect the current induced/guided by the magnetic field.

On the other hand, it is noted in the capsule endoscope system of claim 1, the magnetic-field generating member drives the capsule endoscope by the interaction thereof with the external magnetic field. That is to say, the magnetic field generated by the external magnetic-field generating means is applied to the capsule-endoscope, and the current is selectively supplied to at least one of the magnetic coils (e.g., the magnetic-field generating member) in the capsule endoscope in a time series manner, thereby controlling the movement of the capsule endoscope. Thus, the magnetic-field generating member recited in claim 1 is very different from the magnetic element of Ben-Heim.

With regard to the rejection of claim 1 under 35 U.S.C. § 103(a), Independent claim 1 is not rendered obvious by the cited references because neither the Ueda patent, the Biglieri patent nor the Ben-Heim patent, whether taken alone or in combination, teach or suggest a capsule endoscope system having the features discussed above and recited in independent claim 1. Accordingly, claim 1 patentably distinguishes over the prior art and is allowable. Consequently, the Examiner is respectfully requested to withdraw the rejection of claim 1 under 35 U.S.C. § 103(a).

With regard to claim 8, the same has been amended to clarify that the magnetic-field generating means is adapted to intermittently apply the magnetic field. The

amendment to claim 8 is fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to claim 8.

In the capsule endoscope system of claim 8, the magnetic field is intermittently applied, and when the magnetic force is applied, the capsule endoscope is moved or the power is generated, and when the magnetic force is not applied, the position is detected by the function of the magnetic coils of the capsule endoscope itself.

In contrast, Ueda discloses an electromagnet that if the current is cut off, the magnetic field disappears. Thus, Ueda is very different from the capsule endoscope system of claim 8.

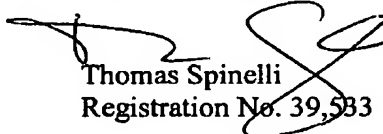
Furthermore, Ueda neither discloses nor suggests that the magnetic-field generating means intermittently applies the magnetic field. In the Official Action, the Examiner argues that Ueda is inherently capable of applying a magnetic field intermittently. Applicants can find no such disclosure in Ueda, inherent or expressed. Although Applicants disagree, claim 8 has been amended to positively recite that the magnetic field generating means is adapted to apply an intermittent magnetic field.

With regard to the rejection of claim 8 under 35 U.S.C. § 103(a), Independent claim 8 is not rendered obvious by the cited references because neither the Ueda patent nor the Biglieri patent, whether taken alone or in combination, teach or suggest a capsule endoscope system having the features discussed above and recited in independent claim 8. Accordingly, claim 8 patentably distinguishes over the prior art and is allowable. Consequently, the Examiner is respectfully requested to withdraw the rejection of claim 8 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in

condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,


Thomas Spinelli
Registration No. 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza-Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm